

4/18/70

Dear Gary and Paul (to go no further than Hal and Jim-or the Whites),

When it was too late, the other counsel sent Bud the utterly unimaginative and entirely incompetent document they had prepared for the next Ray action, scheduled for the coming week. Bud phoned me yesterday, asked me to abstract from both COUPs what regard as viable legal (as separated from evidentiary and factual) points to include. I did a hasty, unorganized memo for him. He spent most of the day here (Lil's birthday, too!) and, while we didn't go over all the points, I am comforted that he is in agreement with all we did discuss. There will be a fresh approach for the first time, a documentation of the real deprivation of rights and of what amounts to a conspiracy against the client by all the lawyers, of the violation of the canons by all lawyers on both sides and by the judge (Bud flipped over the Battle and Foreman stuff, which he hadn't read).

If there is time for me to go over what he prepares, I'll do that. Unless he wires for and gets an extension, there will be no time. He has my best extra copy of both parts of COUP, including Ch 18 and appendix and will pay Paul for making me another. There is no Rush, Paul.

This will, I think be an aggressive approach, not an apologetic one, a vigorous attack on everyone involved, including the public defender (State employee, please note), all documents as you know it is documented, all improper, not designed as defense of the accused, all denying him his rights. He will insist the competence of counsel is not the issue, that performance, complications and the most greivous and inexcusable conflicts of interest are, that the denial of Ray's most fundamental rights was the only manner in which these lawyers could milk him for the anticipated enormous sum. To this end he is now armed with the evidence I had, including Foreman and Suite on tape, of which we made dubs.

Fact is, I haven't yet had a chance to read what I wrote, not even to correct typos. However, it was simple to pinpoint and present him with everything he wanted, thanks to the excellent index, still on cards and not quite complete, that Lil has made. I hope she can complete it soon.

I can make you no promises on the outcome, but I'll try and keep you posted. However, it now looks as though the Ray defense is COUP II. If the new trial is granted, and there can be more steps before it is if the ruling is favorable, I then anticipate the defense will be built around the other element of COUP II, that dealing with fact and evidence. What a career for a book that cannot be printed!

Gary, the enclosed letter to Chris is for any comment you may want to add, with a carbon for you. I had to be forceful. I will waste no more time with him. The difference between him and Epstein is that he apologizes.

Hastily,